DETAILED ACTION

Response to Amendment

Applicant's amendment filed 5 June 2008 has been entered. Claims 1-3 have been amended. Claims 1-3 are pending in this application, with claims 1-3 being independent.

Terminal Disclaimer

1. The terminal disclaimer filed on 5 June 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,665,317 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patrick Hansen on 2 September 2008.

3. The application has been amended as follows:

1. (Currently Amended) A ~~computer program product comprising a computer readable medium~~ computer usable medium having control logic therein for causing a computer to manage jitter within packets exchanged between a packet switched network and a public switched telephone network, said control logic comprising:

computer readable program code that causes the computer to handle the traffic from the packet-switched network to the public switched telephone network; and

computer readable program code that causes the computer to manage the jitter of said traffic, wherein the computer adjusts an adaptive buffer to regulate the flow of data packets, wherein a size of the adaptive buffer is determined based on jitter statistics comprising a jitter measurement for a message currently being processed, an average jitter of a set of received data packets and the average jitter variation of the set of received data packets.

2. (Currently Amended) A ~~computer program product comprising a computer readable medium~~ computer usable medium having control logic therein for causing a computer to manage the flow of a data packet within a set of data packets, said control logic comprising:

(a) computer readable program code that causes the computer to receive the data packet, wherein the received data packet is the most recent data packet received within the set of data packets;

(b) computer readable program code that causes the computer to measure a jitter for the data packet received in step (a);

(c) computer readable program code that causes the computer to compute a jitter variation for the data packet received in step (a);

(d) computer readable program code that causes the computer to compute an average jitter measurement for the set of data packets;

(e) computer readable program code that causes the computer to compute an average jitter variation for the set of data packets; and

(f) computer readable program code that causes the computer to compute a target buffer size, wherein the target buffer size is a function of the average jitter measurement and the average jitter variation.

3. (Currently Amended) A ~~computer program product comprising a computer readable medium~~ computer usable medium having control logic therein for causing a computer to calculate the size of a buffer used to manage the flow of a set of received data packets, said control logic comprising:

(a) computer readable program code that causes the computer to establish a minimum buffer size;

(b) computer readable program code that causes the computer to compute an average jitter measurement based on at least two received data packets;

(c) computer readable program code that causes the computer to compute an average jitter variation measurement based on at least two received data packets; and

(d) computer readable program code that causes the computer to determine a target buffer size based on the values determined in (a), (b) and (c).

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, the prior art fails to show alone or in combination a computer usable medium having control logic for causing a computer to manage jitter, wherein the size of an adaptive buffer is determined based on jitter statistics comprising a jitter measurement for a message currently being processed, an average jitter of a set of received data packets and the average jitter variation of the set of received data packets.

Regarding independent claim 2, the prior art fails to show alone or in combination a computer usable medium having control logic for causing a computer to manage the flow of a data packet within a set of data packets, the control logic comprising computer program code that causes the computer to compute a jitter variation for the data packet, an average jitter measurement for the set of data packets, and an average jitter variation for the set of data packets.

Regarding independent claim 3, the prior art fails to show alone or in combination a computer usable medium having control logic for causing a computer to calculate the size of a buffer used to manage the flow of a set of received data packets, the control logic comprising computer program code that causes the computer to (a) establish a minimum buffer size, (b) compute an average jitter measurement based on at least two data packets, and (c) an average

jitter variation measurement based on at least two received data packets, and determine a target buffer size based on the values determined in steps (a), (b) and (c).

The prior art of Ohlsson et al. (US 6,452,950) teaches adaptive jitter buffer functionality for varying the size of the jitter buffer based on jitter measurements, where the jitter measurements are limited to the delay variation. However, Ohlsson fails to teach using measurements of jitter variation and average jitter variation in determining the size of the adaptive buffer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis A. Alia whose telephone number is (571) 270-3116. The examiner can normally be reached on Monday through Friday, 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung S. Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2616

/Curtis A Alia/
Examiner, Art Unit 2616
8/21/08

CAA